CHAPTER 2 R-1 RESIDENCE DISTRICT USE REGULATIONS

Section

200 R-1 DISTRICTS: GENERAL PROVISIONS

200.1 The R-1 District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.

200.2 The provisions of this chapter are intended to stabilize the residential areas and to promote a suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted.

200.3 The R-1 District is subdivided by different area requirements into R-1-A and R-1-B Districts, providing for districts of low and high density, respectively.

200.4 Except as provided in chapters 20 through 25 of this title, in any R-1 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in this chapter.

AUTHORITY: The Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.))).

SOURCE: §§ 3101.1 and 3101.2 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8345 (October 20, 2000).

201 USES AS A MATTER OF RIGHT (R-1)

201.1 The following uses shall be permitted as a matter of right in R-1 Districts:

(a) One-family detached dwelling;

(b) Church or other place of worship, but not including rescue mission or temporary revival tents;

(c) Parsonage, vicarage, rectory, or Sunday school building;

(d) Transportation right-of-way or underground conduit or pipeline;

(e) Temporary building for the construction industry that is incidental to erection of buildings or other structures permitted by this section;

(f) Farm or truck garden;

(g) Temporary use of premises by fairs, circuses, or carnivals, upon compliance with the provisions of chapter 13 of Title 19 of the DCMR (Amusements, Parks and Recreation);

(h) Private garage, as a principal use, designed to house no more than two (2) motor vehicles and not exceeding four hundred fifty square feet (450 $ft.^2$) in area, subject to the special provisions of chapter 23 of this title;

(i) Private garage on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957, subject to the special provisions of chapter 23 of this title;

(j) Embassy;

(k) Public school, subject to the provisions of chapter 21 of this title;

(l) Mass transit facility;

(m) Chancery existing on September 22, 1978; provided, that the following requirements shall be met:

(1) After February 23, 1990, the continued use of the chancery shall be limited to the government that lawfully occupied the chancery on that date;

(2) No additional or accessory structure may be constructed on the lot that is occupied by the chancery;

(3) There shall be no expansion of the exterior walls, height, bulk, gross floor area, or any portion of any existing building or structure that is used as a chancery;

(4) If an existing building or structure that is used as a chancery is destroyed by fire, collapse, explosion, or act of God, the building or structure may be reconstructed;

(5) The reconstruction that is authorized by subparagraph (4) of this paragraph shall not be subject to the requirements of chapter 20 of this title; and

(6) The reconstruction that is authorized by subparagraph (4) of this paragraph shall be limited to the chancery site as it existed on February 23, 1990;

(n) Community-Based Residential Facility, as limited by the following:

(1) Youth residential care home, community residence facility, or health care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons, including resident supervisors or staff and their families; provided, that the number of persons being cared for shall not exceed six (6); and

(2) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families;

(o) Community-based residential facility for occupancy by persons with handicaps; provided, that the determination of handicapped facility shall be made according to the reasonable accommodation criteria in 14 DCMR § 111, "Procedures for Reasonable Accommodation under the Fair Housing Act." For purposes of this subsection, a "handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having, or being regarded as having, such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

(p) Youth residential care home, community residence facility, or health care facility for seven (7) to eight (8) persons, not including resident supervisors or staff and their families; provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same square, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property; and

(q) Child development center located in a District of Columbia public school or a public recreation center operated by the D.C. Department of Parks and Recreation; provided, that written permission to use the school or the recreation center shall have been granted by the Superintendent of Schools or the Director of the Department of Parks and Recreation, respectively.

201.2 The following classes of antennas shall be permitted as a matter of right in an R-1 District, subject to the requirements for each class of antenna:

(a) No more than two (2) residential type UHF/VHF television and frequency modulation (FM) radio receiving Yagi antenna not to exceed eight feet (8 ft.) horizontally;

(b) No more than two (2) whip antennas not exceeding two and one-half inches (2½in.) in diameter, with a mounted dimension no longer than twelve feet (12 ft.) in any direction, and located on a principal building;

(c) No more than one (1) residential type super high frequency antenna, not to exceed three feet (3 ft.) in any dimension, excluding the support element;

(d) One (1) or more antennas entirely enclosed on all sides within a building or by the penthouse walls or extensions of the penthouse walls. Those walls may include an opaque membrane covering a port in front of the antenna;

(e) One (1) or more antennas located entirely behind and no taller than the parapet walls; provided, that the parapet wall may include an opaque membrane covering a port in front of an antenna;

(f) One satellite earth station or one microwave terrestrial antenna with a diameter of no more than four feet (4 ft.), not taller than eight feet (8 ft.), located on the roof of a principal building, and set back from the edge of the roof a distance at least equal to its height above the roof. The principal building shall have a height of no less than fifty feet (50 ft.);

(g) A whip antenna mounted on a vehicle; and

(h) An antenna, other than a whip antenna, mounted on a vehicle located in a given square for not longer than one hundred and twenty (120) hours.

201.3 An antenna that is listed in § 201.2, but that does not comply with the requirements that apply to its class of antennas, shall be permitted as a matter of right in an R-1 District, by administrative review, subject to the requirements of § 201.7.

201.4 Subject to the procedure of § 201.7, one ground-mounted antenna, not to exceed a mounted height of twelve feet (12 ft.) at its highest point above the ground, shall be permitted as a matter of right in an R-1 District; provided:

(a) The antenna is located in either the rear yard or the side yard of the principal building on the lot;

(b) The antenna is not visible from any public park that is within the Central Employment Area or from any street that the lot abuts;

(c) Each part of the antenna is removed from all lot lines by a minimum distance of ten feet (10 ft.);

(d) The antenna, to the maximum practical extent, shall be black mesh construction or of materials and colors that blend with the surroundings;

(e) The installation shall include screening treatments necessary to ensure compliance with paragraph (b) of this subsection, and, to the maximum practical extent, to reduce the adverse impact of the antenna as viewed from adjacent property; and

(f) The antenna installation shall be as small as is practical for its intended use.

201.5 Subject to the procedure of § 201.7, one roof-mounted antenna, not to exceed a mounted height of twelve feet (12 ft.) at its highest point above the roof, shall be permitted as a matter of right in an R-1 District; provided:

(a) Each part of the antenna is removed from each edge of the roof a minimum distance equal at least to its height above the roof;

(b) The antenna, to the maximum practical extent, shall be of black mesh construction, or of materials and colors that blend with the surroundings;

(c) Each installation shall be located and screened as to minimize the view of the antenna from the ground; and

(d) If the antenna is located on the roof of a building that has a height of fifty feet (50 ft.) or less, the antenna shall not be visible from the ground.

201.6 Subject to the procedure of § 201.7, an addition of an antenna to an existing broadcast tower shall be permitted as a matter of right in an R-1 District; provided:

(a) The size of the tower is not increased; and

(b) The appearance of the tower is not changed in a manner that causes an adverse impact on the surrounding area.

201.7 The following procedure shall apply to an application that is filed for the approval of an antenna under §§ 201.3 through 201.6:

(a) Before taking final action on the application, the Zoning Administrator shall submit the application to the Director of the D.C. Office of Planning for review and report; and

(b) The Director shall report to the Zoning Administrator either within thirty (30) days of the date of submission of the application to the Director, or within such longer or shorter period as the applicant, the Zoning Administrator, and the Director may agree to establish for the report of the Director.

SOURCE: § 3101.3 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 3482, 3485 (August 7, 1981); Final Rulemaking published at 29 DCR 4913 (November 5, 1982); Final Rulemaking published at 30 DCR 3270, 3271 (July 1, 1983); Final Rulemaking published at 36 DCR 1509, 1511 (February 24, 1989); Final Rulemaking published at 37 DCR 1405 (February 23, 1990); Final Rulemaking published at 40 DCR 726 (January 22, 1993); Final Rulemaking published at 46 DCR 3997 (April 30, 1999); Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8345-46 (October 20, 2000); and Final Rulemaking published at 49 DCR 2742, 2746 (March 22, 2002).

202 ACCESSORY USES (R-1)

202.1 The uses set forth in §§ 202.2 through 202.9 shall be permitted as accessory uses in an R-1 District incidental to the uses permitted in this chapter; provided, that the particular requirements for each use are met.

202.2 The use of an office by a physician or dentist shall be permitted, if the following requirements are met:

(a) The physician or dentist shall reside on the premises;

(b) No goods, chattel, wares, or merchandise shall be created commercially, exchanged, or sold in the office;

(c) Exclusive of domestics, not more than two (2) persons who do not reside on the premises may be employed. No person so employed shall be a physician or dentist; and

(d) Only one (1) sign not over one square foot (1 ft.^{2}) in area and affixed to the dwelling or free-standing shall be used. The sign, if illuminated, shall be white and nonflashing.

202.3 For purposes of § 202.2, the term "physician" shall include only a person who practices medicine.

202.4 The child development home shall be permitted as an accessory use in an R-1 District incidental to the uses permitted in this chapter, if the following requirements are met:

(a) The dwelling unit in which the use is located shall be the principal residence of the caregiver;

(b) There is used no more than one (1) sign or display, which shall not exceed one hundred forty-four square inches (144 in.^{2}) in area;

(c) No stock in trade is kept nor any commodity sold upon the premises;

(d) No person is employed other than a member of the caregiver's immediate family residing on the premises; and

(e) No mechanical equipment is used except such as is permissible for purely domestic or household purposes.

202.5 The elderly day care home shall be permitted as an accessory use in an R-1 District incidental to the uses permitted in this chapter if the requirements of the child development home are met.

202.6 A maximum of two (2) roomers or boarders, who shall room or board in the main building, shall be permitted.

202.7 A parking space shall be permitted, subject to the special requirements for parking spaces set forth in chapter 21 of this title.

202.8 Except as is provided in this subsection and § 203.6, no sale of products shall be permitted at a dwelling unit. During a twelve-month (12-month) period, one sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit.

202.9 A home occupation shall be permitted, as provided in and subject to § 203.

202.10 An accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions:

(a) The lot shall have a minimum lot area for the following zone Districts:

(1) Seven thousand, five hundred square feet (7,500 ft.²) for R-1-A;

(2) Five thousand square feet (5,000 ft.²) for R-1-B; and

(3) Four thousand square feet (4,000 ft.²) for R-2 and R-3;

(b) The house shall have at least two thousand square feet (2,000 ft.²) of gross floor area, exclusive of garage space;

(c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house;

(d) The new apartment may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted;

(e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street;

(f) Either the principal dwelling or accessory apartment unit must be owner-occupied;

(g) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);

(h) An accessory apartment may not be added where a home occupation is already located on the premises; and

(i) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:

(1) The owner-occupancy requirement of paragraph (f) shall not be waived;

(2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1, R-2, and R-3 Districts; and

(3) Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.

202.11 Other accessory uses customarily incidental to the uses permitted in R-1 Districts under the provisions of this section, including mechanical amusement machines that are accessory to uses specified in § 210, shall be permitted, subject to the provisions of § 2501.

SOURCE: Final Rulemaking published at 35 DCR 6916 (September 16, 1988); renumbered by Final Rulemaking published at 40 DCR 6364 (September 3, 1993); and as amended by: Final Rulemaking published at 46 DCR 8284, 8286 (October 15, 1999); and Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8345, 8347 (October 20, 2000).

203 HOME OCCUPATION (R-1)

203.1 The purpose of the home occupation provisions shall be to allow home occupations as accessory uses to residential uses; provided, that they are compatible with the residential neighborhood in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations, while permitting residents of the community the opportunity to use the home as a workplace and source of livelihood under specific regulatory conditions.

203.2 For purposes of this section, a home occupation is a business, profession, or other economic activity conducted full-time or part-time in a dwelling unit that serves as the principal residence of the practitioner of the home occupation.

203.3 Home occupations shall meet the following requirements:

(a) No person shall practice a home occupation without a Home Occupation Permit;

(b) A Home Occupation Permit may be issued without a public hearing if the requirements of this subsection are met, or may be granted by the Board of Zoning Adjustment pursuant to § 203.10;

(c) A Home Occupation Permit may be granted only to a designated person or group of persons who reside at a residential address; and

(d) No Home Occupation Permit may be transferred from one person to another, or from one address to another.

203.4 A practitioner of a home occupation, and any owner of a dwelling unit in which a home occupation is practiced, shall comply with the requirements of §§ 203.5 and 203.6, and with the following conditions and requirements:

(a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;

(b) Except as provided in §§ 203.7(c) and 203.8(d), no more than the larger of two hundred fifty square feet (250 ft.^{2}) or twenty-five percent (25%) of the floor area of the dwelling, excluding basement or any accessory structure, shall be utilized in the home occupation;

(c) The practitioner shall store all materials or finished products within the floor area that is designated in paragraph (b) of this subsection, or in a basement or accessory structure;

(d) No more than one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation;

(e) The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot;

(f) No interior structural alteration shall be permitted if it would make it difficult to return the premises to use that is exclusively residential;

(g) Neither the practitioner nor any other person shall conduct or allow any operations outside a structure, nor maintain or allow any storage or other unsightly condition outside a structure;

(h) Neither the practitioner nor any other person shall use any equipment or process that creates visual or audible electrical interference in television or radio receivers outside the subject home, or that causes fluctuations in line voltage outside the subject home;

(i) The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home;

(j) The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood;

(k) No more than two (2) vehicles may be used in the practice of the home occupation;

(l) Vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis;

(m) The practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period; and

(n) If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations, considered as a whole, shall not exceed any of the standards set forth in paragraphs (a) through (m) of this subsection.

203.5 A sign on a dwelling or building in which a home occupation is practiced shall be permitted, subject to the following conditions:

(a) A person may display one (1) exterior sign on a dwelling or other building in which a home occupation is practiced;

(b) The sign shall not exceed one hundred forty-four square inches (144 $in.^2$) in area;

(c) The sign shall be flush-mounted;

(d) The sign shall not be illuminated;

(e) The sign may state only the name of the practitioner and the type of home occupation;

(f) The practitioner shall not display more than one (1) sign outside a dwelling or building; and

(g) The practitioner shall not display any sign that does not meet the requirements of paragraphs (b) through (e) of this subsection.

203.6 Sales shall be permitted, subject to the following conditions:

(a) A practitioner may make sales by telephone;

(b) A practitioner may perform and be paid for a service, even if the service results in the creation of a product;

(c) During a twelve-month (12-month) period, as many as five (5) sales in the nature of yard sales, garage sales, or home sales parties may be held at a dwelling; and

(d) During a twelve-month (12-month) period, a person with a home occupation permit may hold six (6) or more sales in the nature of yard sales, garage sales, or home sale parties at a dwelling, if approved by the Board of Zoning Adjustment pursuant to § 203.10.

203.7 The following uses shall be allowed as home occupations; provided, that the conditions specified in §§ 203.4 through 203.6 are met at the time of the establishment of the home occupation, and maintained on a continuing basis. The uses listed under this subsection shall include similar uses in each category:

(a) Tutoring of not more than five (5) students at any one time;

(b) Dressmaking, sewing, and tailoring;

(c) Painting, sculpturing, writing, composing, photography, or other fine arts occupations practiced by an individual in a home studio; provided, that no more than sixty percent (60%) of the floor area of the dwelling unit may be devoted to the studio;

(d) Home crafts, such as model-making, rug weaving, and lapidary work;

(e) Telephone answering service and sales by telephone;

(f) Computer programming;

(g) Typing or word processing service;

(h) Mail order business;

(i) Cosmetologist, hair stylist, or barber;

(j) Home office of a scientist, clergyman, inventor, academician, licensed health care professional other than one provided for in paragraph (k) of this subsection, or other professional person;

(k) Home office of a physician or dentist; provided, that the physician or dentist may not also establish an accessory use pursuant to § 202; and

(l) Home office of a businessperson, sales person, or manufacturer's representative; provided, that the dwelling is not used as a gathering point for workers who are on the way to another work site.

203.8 An owner of a dwelling may operate a Bed and Breakfast facility, offering rooms and breakfast to guests on a daily basis; provided:

(a) The use shall not be permitted in a multiple dwelling;

(b) Breakfast is the only meal served, and is served only to overnight guests;

(c) The maximum number of sleeping rooms shall be two (2), except:

(1) Pursuant to § 203.10(b), the maximum number of sleeping rooms may be increased to four (4); or, in a dwelling that is an historic landmark, or that is located in a historic district and certified by the State Historic Preservation Officer as contributing to the character of that historic district, the number of sleeping rooms may be increased to six (6); and

(2) The number of sleeping rooms permitted as a matter of right or by special exception as set forth in this paragraph shall be reduced by one (1) for each person who rooms or boards in the dwelling pursuant to § 202.5;

(d) The floor area limitations set forth in § 203.4(b) shall not apply to this use;

(e) In addition to the required parking for the dwelling unit, one (1) parking space shall be provided for each two (2) sleeping rooms devoted to guest use;

(f) No cooking facilities shall be permitted in any of the rented rooms;

(g) The dwelling shall be owned and occupied as the principal residence of the operator(s); and

(h) Except as provided in paragraph (d), the Bed and Breakfast facility shall comply with §§ 203.4 through 203.6.

203.9 Except as explicitly permitted by §§ 203.6 through 203.8, the following uses are prohibited as home occupations:

(a) Any retail service or other use specified in §§ 701.1, 701.4, 721.2, 721.3, 741.2, 741.3, 751.2(b), and 801.7; and

(b) Any use prohibited in § 902.1.

203.10 A home occupation that is not permitted or prohibited in this section may be permitted as a special exception by the Board of Zoning Adjustment under § 3104; provided:

(a) The proposed use and related conditions shall be consistent with the purposes set forth in § 203.1 and shall generally comply with the requirements of §§ 203.4 through 203.8, subject to specific findings and conditions of the Board in each case;

(b) An applicant for a home occupation that is permitted by §§ 203.6 through 203.8 may request the Board to modify no more than two (2) of the conditions enumerated in §§ 203.4 through 203.8; provided that the general purposes and intent of this section are complied with;

(c) In no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession;

(d) Any request to modify more than two (2) of the requirements found in §§ 203.4 through 203.8 shall be deemed a request for a variance. However, a person with a demonstrated physical handicap may be permitted special consideration by the Board, and a request for more than two (2) modifications of the Home Occupation requirements shall be considered in this instance as a special exception governed by this subsection; and

(e) In considering any request for approval under this subsection, the Board may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it deems necessary to protect adjacent and nearby properties consistent with the general purpose and intent of this section.

203.11 If the Zoning Administrator determines that an application for a Home Occupation Permit appears to meet the conditions of §§ 203.4 through 203.8, but to be inconsistent with the general purpose and intent of this section, the Zoning Administrator may certify the application to be decided as an appeal by the applicant to the Board of Zoning Adjustment.

203.12 In making the determination pursuant to § 203.11, the Zoning Administrator may consider, but not be limited to, the cumulative impact of one (1) or more home occupations.

SOURCE: Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8347-48 (October 20, 2000).

204 ACCESSORY BUILDINGS (R-1)

204.1 The following buildings shall be permitted as accessory buildings in R-1 Districts incidental to the uses permitted in this chapter:

(a) Private garage, subject to the special provisions of chapter 23 of this title;

(b) Private stable as accessory use to a dwelling and under conditions specified in § 208; and

(c) Other buildings or structures customarily incidental to the uses permitted in R-1 Districts under the provisions of this chapter.

SOURCE: § 3101.6 of the Zoning Regulations, effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8348 (October 20, 2000).

205 CHILD/ELDERLY DEVELOPMENT CENTERS (R-1)

205.1 Use as a child/elderly development center shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

205.2 The center shall be capable of meeting all applicable code and licensing requirements.

205.3 The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children or elderly persons.

205.4 The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.

205.5 The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.

205.6 The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.

205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

205.8 The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 ft.) of another child/elderly development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

205.9 Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia.

SOURCE: Final Rulemaking published at 29 DCR 4913, 4917 (November 5, 1982); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); as amended by: Final Rulemaking published at 46 DCR 8284, 8286 (October 15, 1999); Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8349 (October 20, 2000); and Final Rulemaking published at 49 DCR 2750 (March 22, 2002).

206 PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206.1 Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

SOURCE: § 3101.42 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 29 DCR 4913, 4919 (November 5, 1982); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8349 (October 20, 2000).

207 UTILITIES (R-1)

207.1 Use as an electric substation with nonrotating equipment, natural gas regulator station, or public utility pumping station shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

207.2 The uses listed in § 207.1 shall be subject to any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood.

SOURCE: § 3101.43 of the Zoning Regulations, effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8349 (October 20, 2000).

208 PRIVATE STABLES (R-1)

208.1 Use as a private stable shall be permitted as an accessory use in an R-1 District if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the provisions of this section.

208.2 A private stable shall be set back fifty feet (50 ft.) from all lot lines.

208.3 A private stable shall be located so as not to affect adversely the light and air of the building to which it is accessory or of adjacent land and buildings.

SOURCE: § 3101.44 of the Zoning Regulations, effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8349 (October 20, 2000).

209 COMMUNITY CENTERS (R-1)

209.1 Use as a community center building, park, playground, swimming pool, or athletic field operated by a local community organization or association shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

209.2 A community center shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located.

209.3 A community center shall offer no articles of commerce for sale in the center.

209.4 A community center shall not likely become objectionable in a Residence District because of noise or traffic.

209.5 The use of a community center shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

SOURCE: § 3101.45 of the Zoning Regulations, effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8350 (October 20, 2000).

210 COLLEGES AND UNIVERSITIES (R-1)

210.1 Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted as a special exception in an R-1 District if approved by the Zoning Commission under § 3104, subject to the provisions of this section.

210.2 Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.

210.3 In R-1, R-2, R-3, R-4, R-5-A, and R-5-B Districts, the maximum bulk requirements normally applicable in the districts may be increased for specific buildings or structures; provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B District. In all other Residence Districts, similar bulk increases may also be permitted; provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-D District. Because of permissive increases as applicable to normal bulk requirements in the low-density districts regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density districts.

210.4 As a prerequisite to requesting a special exception for each college or university use, the applicant shall have submitted to the Commission for its approval a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to the following:

(a) Buildings and parking and loading facilities;

(b) Screening, signs, streets, and public utility facilities;

(c) Athletic and other recreational facilities; and

(d) A description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development.

210.5 Within a reasonable distance of the college or university campus, and subject to compliance with § 210.2, the Commission may also permit the interim use of land or improved property with any use that the Commission may determine is a proper college or university function.

210.6 When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for, or devoted to, a different major new building unless the Commission has approved an amendment to the campus plan applicable to the site; provided, that for this purpose a major new building is defined as one specifically identified in the campus plan.

210.7 In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan.

210.8 As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the college or university shall certify and document that the proposed building or amendment is within the floor area ratio (FAR) limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was approved.

210.9 Before taking final action on an application for use as a college or university, the Commission shall submit the application to the D.C. Office of Planning and the D.C. Department of Transportation for review and written reports.

SOURCE: § 3101.46 of Zoning Regulations, effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and as amended by Final Rulemaking published at 41 DCR 6623 (September 30, 1994); and amended and renumbered by Final Rulemaking published at 45 DCR 1045, 1046 (February 27, 1998); and amended by Final Rulemaking, 47 DCR 9725, 9728-29 (December 8, 2000).

211 ANTENNA, COMMERCIAL BROADCAST (R-1)

211.1 Use as an antenna for commercial television and frequency modulation broadcasting to any height and in conjunction with the erection, alteration, or use of buildings for transmission or reception equipment on the same lot or elsewhere, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

211.2 The proposed location, height, and other characteristics of the antenna shall not adversely affect the use of neighboring property.

211.3 The antenna shall be mounted in a location that minimizes to the greatest practical degree its visibility from neighboring property and from adjacent public space, or that is appropriately screened by landscaping or other techniques so as to soften or minimize the visibility of the antenna.

211.4 Each part of a ground-mounted commercial broadcast antenna, including support system and guy wires, shall be removed a minimum of ten feet (10 ft.) from each lot line or a distance of at least one-sixth of the mounted height of the antenna, whichever is greater.

211.5 The proposed height of the tower shall not exceed that which is reasonably necessary to render satisfactory service to all parts of its service area.

211.6 No transmission equipment shall be located in a Residence District, unless location in the district is necessary for technically satisfactory and reasonably economical transmission.

211.7 If review by the Historic Preservation Review Board or Commission of Fine Arts is required, concept review and approval shall occur before review by the Board of Zoning Adjustment.

211.8 No height of an antenna tower in excess of that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), shall be permitted, unless the height is approved by the Mayor.

211.9 Before taking final action on an application for use as an antenna tower, the Board shall submit the application to the D.C. Office of Planning for review and report.

211.10 The applicant shall have the burden of demonstrating the need for the proposed height, and that full compliance with the matter-of-right standards would be unduly restrictive, prohibitively costly, or unreasonable.

SOURCE: Final Rulemaking published at 36 DCR 1509, 1514 (February 24, 1989); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8350 (October 20, 2000).

212 ANTENNA, OTHER THAN COMMERCIAL BROADCAST ANTENNA (R-1)

212.1 An antenna, other than a commercial broadcast antenna, that is not permitted or approved pursuant to § 201 may be permitted by the Board of Zoning Adjustment as a special exception in an R-1 District under § 3104; provided, that the requirements in this section are met.

212.2 The proposed use, location, and related conditions shall be consistent with the purposes set forth in § 2520.

212.3 If review by the Historic Preservation Review Board or Commission of Fine Arts is required, concept review and approval shall have occurred before review by the Board of Zoning Adjustment.

212.4 The Board may impose conditions relating to operation, location, screening, or other requirements as it deems necessary to protect adjacent and nearby property, consistent with the general purpose and intent of this section.

212.5 The Board may require the removal of any nonconforming antenna as a condition to the approval of an antenna.

212.6 The location and other characteristics of the antenna shall be reasonably necessary for the intended use of the antenna.

212.7 The present character and future development of the neighborhood shall not be adversely affected.

212.8 Before taking final action on an application for use and location of an antenna, the Board shall refer the application to the D.C. Office of Planning for review and report.

SOURCE: Final Rulemaking published at 36 DCR 1509, 1516 (February 24, 1989); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8350 (October 20, 2000).

213 PARKING LOTS (R-1)

213.1 Use as a parking lot shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

213.2 A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.

213.3 A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.

213.4 All provisions of chapter 23 of this title shall be complied with.

213.5 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.

213.6 The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.

213.7 A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.

213.8 Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Transportation for review and report.

SOURCE: § 3101.48 of the Zoning Regulations, effective May 12, 1958; as renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8351 (October 20, 2000).

214 ACCESSORY PARKING SPACES (R-1)

214.1 Accessory passenger automobile parking spaces elsewhere than on the same lot or part of a lot on which any principal R-1 use is permitted, except for a one-family dwelling, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

214.2 Accessory parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade.

214.3 Accessory parking spaces shall be located in their entirety within two hundred feet (200 ft.) of the area to which they are accessory.

214.4 Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

214.5 All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case under § 2303.3 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose.

214.6 It shall be deemed economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

(a) Strip zoning or shallow zoning depth;

(b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;

(c) Unusual topography grades, shape, size, or dimensions of the lot;

(d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or

(e) Traffic hazards caused by unusual street grades or other conditions.

214.7 Accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

214.8 Before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D.C. Department of Transportation for review and report.

SOURCE: Final Rulemaking published at 5 DCR 290 (May 18, 1959); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by: Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8351 (October 20, 2000); and Final Rulemaking published at 49 DCR 2742, 2746 (March 22, 2002).

215 CLERICAL AND RELIGIOUS GROUP RESIDENCES (R-1)

215.1 Use as residences for clerical groups and religious denominations in excess of fifteen (15) persons shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

215.2 Use as residences for clerical groups and religious denominations shall not adversely affect the use of neighboring property.

215.3 The amount and arrangement of parking spaces shall be adequate.

SOURCE: § 3101.410 of the Zoning Regulations, effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8351 (October 20, 2000).

216 CHURCH PROGRAMS (R-1)

216.1 Use for a program conducted by a church congregation or group of churches shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

216.2 The church program shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the community.

216.3 The part of the church program conducted on the property shall be carried on within the existing church building(s) or structure(s).

216.4 The staff conducting the program shall be composed of persons, at least seventy-five percent (75%) of whom volunteer their time and services.

216.5 The operation of the program shall be such that it is not likely to become objectionable in the Residence District because of noise and traffic.

216.6 No signs or display indicating the location of the church program shall be located on the outside of the building or the grounds.

216.7 Any authorization by the Board shall be limited to a period of three (3) years, but may be renewed at the discretion of the Board.

SOURCE: § 3101.411 of the Zoning Regulations, effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8351 (October 20, 2000).

217 NON-PROFIT ORGANIZATIONS (R-1)

217.1 The use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization shall be permitted as a special exception in an R-1 District in the following instances if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section:

(a) If the building is listed in the District of Columbia's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to § 101(a) of the National Historic Preservation Act, approved October 15, 1966 (80 Stat. 915, as amended; 16 U.S.C. § 470a), or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites; and

(b) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 ft.^{2}) or greater;

217.2 Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties.

217.3 The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.

217.4 No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.

217.5 Any additions to the building or any major modifications to the exterior of the building or to the site shall require the prior approval of the Board. The Board shall refer any proposed additions or modifications to the State Historic Preservation Officer, who, acting with the advice of the D.C. Professional Review Committee for nominations to the National Register of Historic Places, shall provide the Board with a report to determine possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.

SOURCE: § 3101.414 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 20 DCR 583 (January 28, 1974) as renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8352 (October 20, 2000).

218 YOUTH RESIDENTIAL CARE HOMES AND COMMUNITY RESIDENCE FACILITIES (R-1)

218.1 Use as a youth residential care home or community residence facility for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

218.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons either in the same square as, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property.

218.3 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

218.4 The proposed facility shall meet all applicable code and licensing requirements.

218.5 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

218.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

218.7 In the case of a community residence facility, the Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and if there is no other reasonable alternative to meet the program needs of that area of the District.

218.8 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

SOURCE: § 3101.413 of the Zoning Regulations, effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3486 (August 7, 1981); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by: Final Rulemaking published at 40 DCR 726 (January 22, 1993); and as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8352 (October 20, 2000).

219 HEALTH CARE FACILITIES (R-1)

219.1 Use as a health care facility for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

219.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property.

219.3 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

219.4 The proposed facility shall meet all applicable code and licensing requirements.

219.5 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

219.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

219.7 The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and if there is no other reasonable alternative to meet the program needs of that area or the District.

219.8 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

SOURCE: § 3101.414 of the Zoning Regulations, effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3487 (August 7, 1981); and renumbered by: Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by: Final Rulemaking published at 40 DCR 726 (January 22, 1993); and Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8352 (October 20, 2000).

220 EMERGENCY SHELTERS (R-1)

220.1 Use as an emergency shelter for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

220.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property.

220.3 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

220.4 The proposed facility shall meet all applicable code and licensing requirements.

220.5 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

220.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

220.7 The Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

220.8 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

SOURCE: § 3101.415 of the Zoning Regulations effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3488 (August 7, 1981); and renumbered by: Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by: Final Rulemaking published at 40 DCR 726 (January 22, 1993); and Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8353 (October 20, 2000).

221 REHABILITATION AND SUBSTANCE ABUSERS' HOMES (R-1)

221.1 Use as a youth rehabilitation home, adult rehabilitation home, or substance abusers' home for one (1) to eight (8) persons, not including resident supervisors or staff and their families, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

221.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the subject property.

221.3 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

221.4 The proposed facility shall meet all applicable code and licensing requirements.

221.5 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

221.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

221.7 The Board shall not approve more than one (1) youth rehabilitation home, adult rehabilitation home, or substance abusers' home in a square or within one thousand feet (1,000 ft.) of each other.

221.8 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, to the State Historic Preservation Officer.

SOURCE: § 3101.416 of the Zoning Regulations, effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3489 (August 7, 1981); renumbered by: Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and as amended by Final Rulemaking published at 40 DCR 726 (January 22, 1993); and Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8353 (October 20, 2000).

222 [RESERVED]

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the applicable area requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

SOURCE: Final Rulemaking published at 45 DCR 1146, 1447 (March 13, 1998); as amended by Final Rulemaking published at 48 DCR 8979, 8983 (September 28, 2001).